

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA, :  
Plaintiff(s), : Case Number: 1:99cr34 (2)  
vs. : also 1:05cv145  
GREGORY WAYNE WHEELER, : District Judge Susan J. Dlott  
Defendant(s). :

## ORDER

The Court has reviewed the Report and Recommendations of United States Chief Magistrate Judge Michael R. Merz filed on March 5, 2007(Doc. 80), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired March 22, 2007, hereby ADOPTS said Report and Recommendations.

Accordingly, Defendant's §2255 Motion (Doc. 75) is **DISMISSED** with prejudice. Because reasonable jurists would not disagree with this conclusion, it is also **ORDERED** that Defendant is **DENIED** a certificate of appealability and leave to proceed *in forma pauperis* on appeal.

IT IS SO ORDERED.

s/Susan J. Dlott  
Susan J. Dlott  
United States District Judge